

FISH AND SHELLFISH

17223. Adulteration of frozen whiting. U. S. v. Pond Village Cold Storage Co. and John C. Worthington. Pleas of guilty. Corporation fined \$500 and individual defendant \$100. (F. D. C. No. 30001. Sample Nos. 72484-K, 72911-K, 76134-K, 76181-K, 76223-K, 76631-K.)

INFORMATION FILED: January 12, 1951, District of Massachusetts, against the Pond Village Cold Storage Co., a corporation, North Truro, Mass., and John C. Worthington, president and treasurer of the corporation.

ALLEGED VIOLATION: On or about April 5, 1949, the defendants gave to a firm engaged in the business of shipping fish in interstate commerce, at Boston, Mass., a guaranty to the effect that no fish sold by the defendants would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about March 3, 10, and 11, and April 28 and 29, 1950, the defendant sold and delivered to the holder of the guaranty, at Boston, Mass., quantities of frozen fish that were adulterated.

On or about March 15, 1950, the defendants shipped a quantity of adulterated frozen fish from the State of Massachusetts to the State of Illinois.

LABEL, IN PART: (Portion) "H & G Scaled Whiting Booth Fisheries Corp. Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: February 27, 1951, Pleas of guilty having been entered, the court imposed a fine of \$500 against the corporation and \$100 against the individual defendant.

17224. Adulteration and misbranding of canned herring roe. U. S. v. Cape King Fisheries, Inc., and Fred Roberts. Pleas of nolo contendere. Corporation fined \$100; individual defendant fined \$25. (F. D. C. No. 30088. Sample No. 66848-K.)

INFORMATION FILED: March 7, 1951, District of Massachusetts, against Cape King Fisheries, Inc., a corporation, New Bedford, Mass., and Fred Roberts, general manager of the corporation.

ALLEGED SHIPMENT: On or about August 22, 1950, from the State of Massachusetts into the State of Maryland.

LABEL, IN PART: "Cape King Herring Roe Contents 15 Oz. Avd. Salt and water added Cape King Fisheries, Inc. New Bedford, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), whiting roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label statement "Herring Roe" was false and misleading since the product consisted of whiting roe.

DISPOSITION: March 22, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 against the corporation and a fine of \$25 against the individual.

17225. Misbranding of oysters. U. S. v. 10 Barrels * * *. (F. D. C. No. 30215. Sample No. 66867-K.)

LIBEL FILED: December 19, 1950, Southern District of Indiana; amended libel filed February 21, 1951.

ALLEGED SHIPMENT: On or about December 14, 1950, by Carol Dryden & Co., Inc., from Crisfield, Md.

PRODUCT: 10 barrels, each containing 1,536 cans, of oysters at Seymour, Ind.

LABEL, IN PART: "1 Pint Pride Of The Chesapeake Oysters—Standard."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 1 pint, the declared volume.)

DISPOSITION: March 16, 1951. Default decree of forfeiture and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

17226. Adulteration of canned boysenberries. U. S. v. 115 Cases * * *.
(F. D. C. No. 30222. Sample Nos. 70295-K, 89754-K.)

LIBEL FILED: December 20, 1950, District of Kansas.

ALLEGED SHIPMENT: On or about July 10, 1950, from Salem, Oreg.

PRODUCT: 115 cases, each containing 24 1-pound, 4-ounce cans, of boysenberries at Topeka, Kans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 14, 1951. Default decree of condemnation and destruction.

17227. Misbranding of canned peaches. U. S. v. 1,300 Cases * * *. (F. D. C. No. 30346. Sample No. 92401-K.)

LIBEL FILED: December 26, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about September 1, 1950, by the Pulici Packing Co., from Los Angeles, Calif.

PRODUCT: 1,300 cases, each containing 48 8 $\frac{3}{4}$ -ounce cans, of peaches at New York, N. Y.

LABEL, IN PART: (Can) "Premier Old Fashioned Peeled Yellow Free Sliced Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by regulations, the name of the optional packing medium present since the label bore the statement "In Extra Heavy Syrup" and the product was packed in heavy sirup.

DISPOSITION: April 20, 1951. Louis Pulici, trading as the Pulici Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.